Federal Land Management Agencies' Mandatory Spending Authorities

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Summary

The four major land management agencies have numerous special funds and trust funds that have mandatory spending authority, with the money available to be spent without further action by Congress. The four agencies have 81 accounts with mandatory spending authority, averaging $2.7 billion in annual budget authority for FY2005-FY2009, more than a quarter of annual agency funding. Most accounts are funded with receipts from the sale or lease of federal lands and resources; other sources include excise taxes, licensing fees, import duties, donations, and more. Many accounts fund agency activities; others compensate state and local governments for the tax-exempt status of federal lands; still more are grants, allocated by fixed formulas or competition.

Advocates of mandatory spending desire the predictability of funding that results from avoiding the annual congressional appropriations process. However, others are concerned about limited oversight, alleged rewards for environmentally damaging behaviors, and the adequacy of compensation for the tax-exempt status of federal lands. This report reviews agency-level mandatory spending accounts for the four agencies.

The Bureau of Land Management has mandatory spending authority for 31 accounts, averaging $824 million annually in FY2005-FY2009 budget authority (44% of BLM funds, excluding wildfire funding). Many are small; 12 exceeded $5 million in average annual budget authority, and the largest had average annual budget authority of nearly $400 million. Nine accounts ($198 million in total average annual FY2005-FY2009 budget authority) compensate local governments for lost tax revenues from the tax-exempt public lands. The other 22 ($626 million in total average annual FY2005-FY2009 budget authority) fund agency activities.

The National Park Service has mandatory spending authority for 17 accounts, averaging $335 million annually in FY2005-FY2009 budget authority (12% of NPS funds). Like the BLM, many are small; seven exceeded $5 million in average annual budget authority, and the largest account averaged $162 million in annual FY2005-FY2009 budget authority. Two accounts (less than $1 million in average annual FY2005-FY2009 budget authority) compensate local governments for tax-exempt federal park lands. The other 15 fund agency activities.

The Fish and Wildlife Service has 10 accounts with mandatory spending authority, averaging $798 million annually in FY2005-FY2009 budget authority (36% of FWS funds). Five of the accounts exceeded $5 million in average annual budget authority. The two largest (together $729 million in average annual FY2005-FY2009 budget authority) are funded mostly with fuel and excise taxes, and primarily provide grants to states allocated by formula. One, funded from receipts (44%) plus annual appropriations (56%), compensates local governments for the tax-exempt federal wildlife refuges. The others fund land acquisition and agency activities.

The Forest Service has mandatory spending authority for 23 accounts, averaging $764 million annually in FY2005-FY2009 budget authority (22% of agency funds, excluding wildfire appropriations). Many accounts are relatively large, with 13 exceeding $5 million in average annual budget authority, and most are funded from agency receipts. Three (totaling $375 million in average annual FY2005-FY2009 budget authority) compensate local governments for tax-exempt national forests and grasslands. The other 20 (totaling $390 million in average annual FY2005-FY2009 budget authority) fund agency activities.

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Land management is a principal mission for four federal agencies: the Bureau of Land Management (BLM), the National Park Service (NPS), and the Fish and Wildlife Service (FWS) in the Department of the Interior (DOI); and the Forest Service (FS) in the Department of Agriculture. Together, these agencies administer 626 million acres, about 95% of all federal lands.[1] In addition, the agencies have various programs that provide financial and technical assistance to state or local governments, other federal agencies, and/or private landowners.

The four agencies have substantial annual budget authority: $15.1 billion in FY2009—$1.76 billion for the BLM; $3.67 billion for the NPS; $2.72 billion for the FWS; and $7.00 billion for the FS.[2] Most of the FY2009 funds—$12.4 billion (82%)—came from annual appropriations, but each agency has numerous trust funds or special funds with mandatory spending authority that provides funding without any subsequent action by Congress.[3] Many of the accounts with mandatory spending authority are quite modest, but a few exceed $100 million in annual funding.

The mandatory spending is generally valued by the agencies and supported by many interest groups. However, other groups have expressed concerns about the incentive structures and impacts on taxpayers of the trust funds and special funds with mandatory spending authority.

This report summarizes the mandatory spending provided to the four major federal land management agencies; it excludes all programs that have appropriations in the annual Interior appropriations acts.[4] It discusses relevant issues for Congress, then defines and describes mandatory spending, and presents a general overview of the types of sources and uses of such mandatory spending. These are followed by descriptions of each agency's accounts with mandatory spending authority. The information is drawn largely from the agencies' annual budget justifications that are submitted to the Appropriations Committees, and from the statutes that provided each mandatory spending authority. The report concludes with a summary and comparison of the agencies' programs.

Issues for Congress

Congress is responsible for enacting all appropriations for agency programs. For many trust funds and special funds, Congress has provided mandatory spending, which requires no annual enactments by the appropriations committees. A number of issues arise for Congress in providing mandatory spending. Some general issues are relevant for all such spending, while other issues are relevant only for one of the purposes for which such spending is generally provided—grant programs that provide benefits to particular groups who pay the fees; agency activities for federal

[1] For more information on these agencies, see CRS Report R40225, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Ross W. Gorte.

[2] This includes $2.5 billion in funding under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), but excludes DOI wildfire management funding of $0.9 billion. For information on appropriations for these agencies, see CRS Report R41258, *Interior, Environment, and Related Agencies: FY2011 Appropriations*, coordinated by Carol Hardy Vincent.

[3] Each of the agencies also has special funds and trust funds that require annual appropriations from the fund for the agency to spend any of the money credited to the account; the largest and best known of these is the Land and Water Conservation Fund. (See CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Current Issues*, by Carol Hardy Vincent.) Accounts that have appropriations in the annual Interior appropriations acts have been excluded from this report.

[4] This report also excludes a DOI account with mandatory spending through FY2012—Payments In Lieu of Taxes (PILT). For information on PILT, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

land management; and compensation programs to state and local governments for the tax-exempt status of federal lands.

General Issues

In general, those advocating mandatory spending for particular programs ultimately are seeking greater fiscal security for their preferred programs. Mandatory spending often provides such stability, compared to the vagaries of the annual federal budget and appropriations processes. However, mandatory spending also may fluctuate more widely than annual appropriations, if the authority depends on revenue sources that vary with economic conditions, since spending from these accounts is limited by the receipts.

Opponents of mandatory spending present several arguments against providing and sustaining such authority. Most of the land management agencies' mandatory spending is funded by selling or leasing federal, taxpayer-owned assets. Thus, opponents argue, those receipts should be used for the benefit of taxpayers generally, not just the beneficiaries of the mandatory spending programs. In addition, mandatory spending raises questions about the possible impacts on federal spending levels and the budget deficit. Finally, opponents charge that mandatory spending programs commonly receive less congressional oversight than programs whose funding is debated annually in the appropriations bills. One example of the concerns over the relative lack of oversight is the restrictions imposed on the use of mandatory spending for administrative and overhead costs. In 1998, Congress limited the use of FS funds for "indirect obligations" (identified as "overhead, national commitments, indirect expenses, and any other category of use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground") to not more than 20% of the obligations from six specific FS mandatory spending programs.[5] Similar concerns led Congress to enact ceilings on administrative costs for the Pittman-Robertson and Dingell-Johnson/Wallop-Breaux accounts in 2000.[6]

Grant Programs

In general, both competitive and formulaic grant programs have seen little controversy. The FWS has several such accounts, including two of the largest mandatory spending programs among the federal land management agencies (the Pittman-Robertson and Dingell-Johnson/ Wallop-Breaux Funds). Controversies typically have been avoided, because the programs mostly provide benefits to the individuals paying the fees or taxes that fund the programs. For example, the Pittman-Robertson account is funded from excise taxes on hunting equipment (guns, ammunition, and bows and arrows) while funding state wildlife management and hunter education programs. The individuals generally support the excise taxes, because they recognize that the taxes provide them direct benefits. Such a direct linkage between the funders and the beneficiaries reduces controversy and increases accountability for mandatory spending.[7]

[5] The 25th unnumbered paragraph under Administrative Provisions, Forest Service of the FY1999 Interior appropriations act, §101(e) of P.L. 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

[6] Title I of P.L. 106-408, the Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000; 16 U.S.C. §669c(a) and §777c(b).

[7] See CRS Report RS20486, *Forest Service Accountability in Administering Its Trust Funds*, by Ross W. Gorte.

Agency Activities

Mandatory spending programs that fund agency activities on federal lands have historically been the most controversial accounts. The level of controversy is typically related to the funding level of the account, the source of the money deposited in the account, and the agency's discretion in using the funds.

Before 1990, FS mandatory spending garnered much of the congressional attention devoted to such funds. FS mandatory spending accounted for a larger share of agency activities than was true for other agencies—as much as a third of agency funding for land management activities. In addition, six of the seven largest accounts were largely funded from timber sale receipts, and timber sales can be controversial because of their environmental effects.[8] Finally, some of the accounts, notably the Knutson-Vandenberg (K-V) Fund, provide broad discretion to agency managers over the activities and locations that can be funded. Critics have argued that broad discretion over agency use of receipts can create "perverse incentives"—internal rewards for environmentally damaging activities to generate the funds needed to mitigate those environmental damages. With the K-V Fund, for example, FS wildlife managers may receive funding for projects from timber receipts, even though many of those projects are intended to mitigate damages to wildlife habitat from the timber harvesting, and thus wildlife managers may support timber sales they might otherwise oppose.[9]

The controversies over mandatory spending for agency activities seem to have declined. This is largely due to the substantial decline in FS timber sales since 1990, making the FS accounts smaller in aggregate and a smaller portion of total funding for agency activities. Mandatory spending has become much more significant for the BLM in the past decade, but the sources of funding—selling helium and selling potentially developable land in suburban Las Vegas—have been less controversial than timber sales, and the uses of the funds are more narrowly prescribed, with less agency discretion, at least for administering the helium program. The southern Nevada land sales have generated some controversy, because of the amount of money available and the discretion in using the funds—for acquiring environmentally sensitive lands or agency management and development activities in Nevada. Similarly, the NPS mandatory spending programs seem not to have been controversial, probably because the funds are generated from recreation receipts and are generally used for recreation-related services (i.e., the individuals who pay are the ones benefitting from the funds). The FWS has faced relatively little concern over its accounts, because its largest accounts are grant programs, not discretionary land management activities.

Compensation Programs

The idea of compensating state and local governments for the tax-exempt status of federal lands has generally not been controversial. However, there have been numerous debates over the level of and basis for that compensation. For some lands and/or some resources, there is no compensation at all. For others, the compensation has traditionally been based on a portion of receipts (gross or net), and the proportion that is granted to state and local governments varies widely—from as low as 4% of receipts to as much as 90% of receipts for mineral leasing in Alaska. Many, but not all, of these compensation programs reduce payments under the Payments

[8] See CRS Report 98-917, *Clearcutting in the National Forests: Background and Overview*, by Ross W. Gorte.

[9] See Randal O'Toole, *Reforming the Forest Service* (Washington, DC: Island Press, 1988).

in Lieu of Taxes (PILT) Program. This implicitly raises questions about consistent and comprehensive compensation for all federal lands.

One compensation arrangement has been somewhat controversial in recent years. As noted below, the FS 25% Payments and BLM Oregon and California (O&C) grant land payments declined substantially in the 1990s as timber harvests fell substantially. The payments fell to as little as 10% of payments in the 1980s, forcing major cuts in local programs, especially school funding. The Secure Rural Schools and Community Self-Determination Act of 2000 (SRS) was enacted in response, to allow counties to receive payments based on historic compensation rather than current receipts. The legislation generated some debate, not about the compensation level, but about the source of funds to pay for the additional compensation. In the end, funds from the General Treasury were to be used after all available receipts had been exhausted. Reauthorization efforts in 2006 and 2007 were more controversial, both in finding a feasible and acceptable funding source and because the allocation was seen as strongly favoring areas of historically high timber sales. Similar debates seem likely when the current authorization for SRS expires at the end of FY2011.

Mandatory Spending[10]

The Constitution (Article I, § 9) prohibits withdrawing funds from the Treasury unless they are appropriated by law, but there is no constitutional limit on the duration of an appropriation. Most programs receive their funds through appropriations bills enacted each year (called discretionary funds).[11] Some, however, are established with mandatory spending (also called direct spending or permanent appropriations[12]) in the law that created them.

Two terms—trust fund and special fund—commonly used in federal budget documents are often misunderstood, because the "Federal budget meaning of the word 'trust,' as applied to trust fund accounts, differs significantly from the private sector usage."[13] In a glossary of federal budget terms, one distinction between trust funds and special funds is that trust funds are designated as trust funds in their authorizing legislation.[14] Confusion over the operation of federal trust funds and special funds is typically greatest where there is a disparity between the receipts supplying the account and the amount obligated annually; generally, the greater the disparity between receipts and obligations, the greater the confusion over "special" funding that is not immediately available for spending.

The authorizing legislation for many, but not all, trust funds and special funds includes mandatory spending authority. Mandatory spending can generally be identified in the authorization by the

[10] This report assumes that readers are familiar with general budget terms (e.g., budget authority and obligations) and distinctions among key concepts (e.g., authorizations and appropriations). For additional explanation of budget terms and the overall budget process, see CRS Report 98-410, *Basic Federal Budgeting Terminology*, by Bill Heniff Jr.

[11] For an overview of the appropriations process, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter.

[12] Not all "permanent appropriations" are actually permanent. Some are created for a limited (typically multiyear) period and terminate at the end of that period. "Permanent appropriation" refers to agency authority to spend without further action by Congress.

[13] Executive Office of the President, Office of Management and Budget, *Budget of the United States, Fiscal Year 2011: Analytical Perspectives—11. Budget Concepts*, p. 121, http://www.whitehouse.gov/omb/budget/fy2011/assets/concepts.pdf.

[14] OMB Circular A-11, *Section 20. Terms and Concepts*, p. 39, http://www.whitehouse.gov/omb/assets/a11_current_year/s20.pdf#20_12.

phrase "available without further appropriation" (or similar language), meaning the funds in these accounts can be spent by the relevant agency without any additional action by Congress. The money in any trust fund or special fund created without such language generally can be spent only when Congress enacts an appropriation from that account. These funds depend on current or discretionary appropriations, and are not included in this report.[15]

Funding Sources

Most mandatory spending authority of the federal land management agencies is funded with agency receipts. A few programs, including some of the largest ones, are funded from other sources, including excise and fuel taxes, license fees, import duties, donations, and the General Treasury. These sources are described below.

Agency Receipts

All four of the federal land management agencies collect money from the sale, lease, or other use of the lands and resources under their jurisdiction, but the amounts of the receipts vary widely among agencies and over time. Most of the natural resource trust funds and special funds have been created to use receipts for specified purposes, such as to rehabilitate sites following an extractive use or to otherwise invest in federal land and resource management. Their creation attests to the belief that such use of receipts is warranted, and their persistence attests to the benefits they have produced over the years, but critics have expressed various concerns. (See "Issues for Congress," above.)

The discretion over disposition of receipts varies among agencies and programs. Some dedicate 100% of certain receipts to specific purposes (e.g., each agency's Operation and Maintenance of Quarters accounts). Others direct a portion of receipts to be used in specific ways (e.g., 10% of FS receipts for road and trail construction and maintenance). Still others allow the agency to decide the amount deposited into the account (e.g., the BLM's Forest Ecosystems Health and Recovery Fund). Direction on disposing receipts is a distinctive characteristic of each account and may be a significant factor in any controversies over the account.

Most NPS receipts result from recreation uses, since the agency's mission is to provide recreation while preserving the lands and resources it manages. FY2009 NPS receipts were $352 million. FWS receipts result from a wide array of activities—timber sales, grazing leases, recreation uses, and more—but are relatively modest, because the agency's mission is to administer the lands and resources primarily to benefit fish and wildlife; the FWS does not separately identify receipts in its annual budget justifications (as do the other three agencies), but rather shows receipts in each program that generates them.

The BLM and FS have similar missions—to produce sustained yields of multiple goods and services (recreation, grazing, timber, water, and wildlife). Timber sales historically accounted for the vast majority of receipts for these two agencies, about 90% of FS receipts and more than half of BLM receipts. Because federal timber sale levels have declined considerably from 1980s levels, FS receipts have declined substantially. FY2009 FS receipts were $581 million (44% from timber sales), down from their FY1989 peak of $1.515 billion (90% from timber sales). In

[15] Offsetting collections are sometimes less clear on whether the receipts are mandatory spending for the agency. For this report, accounts with offsetting collections are included if there is no comparable line in the annual Interior appropriations acts; conversely, accounts have been excluded from this report as mandatory spending if the appropriations acts contain a line providing for spending of the offsetting collections.

contrast, BLM receipts have risen because of helium sales and land sales in Nevada. In FY2009, BLM receipts were $564 million, with timber accounting for about 5% of the total.

Mineral leasing on federal lands also generates receipts, but the four land management agencies do not collect the receipts from mineral leasing. The DOI Bureau of Ocean Energy Management, Regulation, and Enforcement (previously the Minerals Management Service, MMS) handles financial administration of mineral leases on all federal lands. This bureau was excluded from this report because it does not manage lands. MMS reported FY2009 collections from onshore leases at $3.7 billion.[16]

Excise Taxes and Licensing Fees

Federal excise taxes are one funding source for two major FWS programs—Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux) and Federal Aid in Wildlife Restoration (Pittman-Robertson). Licensing fees fund one major FWS program—the Migratory Bird Conservation Fund (the Duck Stamp program), and two minor FS programs—Woodsy Owl and Smokey the Bear. It is not required that programs funded by excise taxes or license fees be mandatory spending. However, all five accounts of the federal land management agencies funded at least partly by excise taxes or license fees have mandatory spending authority for these receipts in their authorizing legislation.

Excise taxes are taxes charged on specific items or groups of items. Sometimes, the receipts from federal excise taxes are deposited in special funds, which can then be used for various purposes. In the FWS Federal Aid programs, the taxes are paid substantially by the people who benefit from the subsequent expenditures. For the Wildlife Restoration program, taxed items include the sales of guns (including handguns), ammunition, and archery equipment, with the funds used for wildlife programs. Under the Sport Fish Restoration program, the taxed items are sales of sport fishing tackle and equipment, electric trolling motors and fishfinders, with the funds used for programs to benefit sport fishing. In addition, a substantial portion of the funds deposited in the Sport Fish Restoration account are from gasoline taxes on users of motorboats and small engines, although many of these taxes are allocated to other agencies (or the General Treasury) for other purposes.

Under licensing fee programs, users pay for some particular privilege or right. The resulting receipts may be placed in a fund to benefit either an outside user group or to support the continued existence of an agency program. For duck stamps, for example, the program beneficiaries (waterfowl hunters and refuge visitors) purchase the licenses that fund the program. Waterfowl hunters over 16 years old must buy a duck stamp, which must be displayed on their hunting licenses, while nonhunters purchase the stamps for various reasons: to gain admission to fee areas in the National Wildlife Refuge System; to provide support for the FWS land acquisition program, which it funds; and to collect the stamps, which they value.

Import Duties

One account is funded entirely by tariffs, while import duties contribute to two others. The FS's Reforestation Trust Fund receives tariff collections on imported wood products, up to $30 million annually. The history of the authorizing legislation does not identify why wood import tariffs were chosen to fund this account. Tariffs on imported fishing equipment are added to excise taxes

[16] U.S. Dept. of the Interior, Minerals Management Service, *Federal Onshore Reported Royalty Revenues, Fiscal Year 2009*, http://www.mrm.mms.gov/MRMWebStats/Disbursements_Royalties.aspx?report=FederalOnshoreReportedRoyaltyRevenues&yeartype=FY&year=2009&datetype=AY.

for the FWS's Federal Aid in Sport Fish Restoration, while tariffs on hunting products are transferred to the FWS's Migratory Bird Conservation Fund.

Donations

In general, the federal land management agencies can accept donations from individuals and organizations for the agencies to carry out specific projects or research. The NPS and the FWS each have mandatory spending authority for donations. The BLM has two modest mandatory spending programs for such purposes, with any donations in excess of the project costs returned to the donor. In contrast, the FS has one very small special fund for research donations, but the fund requires (and has always received) appropriations from Congress annually to match the donations.

In addition, contributions for specific sites or projects may be made through the three private, federally chartered foundations that support the NPS, FWS, and FS; the BLM has no comparable supporting foundation. The National Park Foundation, National Fish and Wildlife Foundation, and National Forest Foundation exist to assist the relevant agencies by matching federal appropriations directed to the foundations with nonfederal contributions to leverage various activities, thus essentially expanding agency appropriations. All were created by acts of Congress—the National Park Foundation in 1967 (P.L. 90-209), the National Fish and Wildlife Foundation in 1984 (P.L. 98-244), and the National Forest Foundation in 1990 (Title IV of P.L. 101-593). These foundations provide an alternative means for donors to support the agency activities directly.

General Treasury

Two mandatory spending accounts currently are funded partly from the General Treasury. Certain FS and BLM receipt-sharing accounts are funded from payments mostly for timber harvesting. These programs were supplanted, temporarily and at the discretion of the counties (the beneficiaries of the payments), with payments under the formula in the Secure Rural Schools and Community Self-Determination Act of 2000 (as amended) for FY2001 through FY2011. In § 102(b)(3), the act directs payments first from any enacted annual appropriations, second from "any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating fund," and finally "to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated." Because the payments have substantially exceeded agency receipts in recent years, payments for these two accounts have been funded largely from the General Treasury.

Uses of the Funds

Most of the mandatory spending authorities for natural resource trust funds and special funds were established to fund certain agency activities or to compensate state or local governments for the tax-exempt status of federal lands. Some also provide funding for specific state or local agency programs; traditionally, such funds were allocated by formula, but competitive grants are becoming more common.

Agency Activities

Several mandatory spending programs were established to fund specific activities, although the various accounts display a wide array of possible uses of the funds. Sometimes, these activities are related to the activities that generate the receipts, such as to reforest areas following timber sales or to rehabilitate recreation sites where the receipts were collected. Other commonly funded activities are to restore degraded lands, resources, or facilities, or to otherwise invest in the federal lands and resources.

Some accounts authorize relatively narrowly defined purposes for which the funds can be used. The Migratory Bird Conservation Fund, for example, can be used only to acquire land for the National Wildlife Refuge System. Other accounts have a broader range of purposes. For example, the FS's Knutson-Vandenberg Fund can be used to reforest sale areas, to improve timber stands, or to mitigate damages or enhance nontimber resource values within timber sale areas, or can be transferred to other areas for similar purposes. Funding allocation among multiple purposes can be specified; for example, receipts from BLM land sales in Nevada are allocated 5% to the state's General Education Fund, 10% to the Southern Nevada Water Authority, and 85% to federal land acquisition and other federal programs. However, the agencies have discretion to allocate many funds among multiple purposes.

State and Local Compensation

Many mandatory spending authorities were created to compensate state or local governments for the tax-exempt status of federal lands. The accounts commonly are funded as a share of agency receipts, at least partly because some of the accounts were created before the federal income tax system provided the federal government with other receipts to use. Some programs encompass a broad land base (e.g., all national forests) while other have a much narrower base (e.g., the national forests in three counties in northern Minnesota). In addition, some programs specify the allowed uses of the funds, while others are not restricted. FS payments to states, for example, can only be used on roads and schools, while BLM sharing of grazing receipts can be used for any local governmental purpose.

Grant Programs With Formula Allocations

States, territories, and tribal governments receive certain payments from federal agencies based on formulas. The programs provide federal money to accomplish some shared purpose. The area of the state (territory, reservation, etc.) and the size of some population (whether the whole state or some group of people within it) are common parameters used in calculating payments. In the two natural resource special funds with formula allocations (Sport Fish Restoration and Wildlife Restoration), there is also a maximum and a minimum that a state, territorial, or tribal government may receive. There may be a matching requirement for some grant programs allocated by formula. In contrast to many other federal programs, including state and local compensation programs, the combination of a formula fixed in law and mandatory spending gives the states substantial predictability of federal funding.

Competitive Programs Without Fixed Formulas

Some mandatory spending is not allocated by formula. Rather, the funds are allocated in some other manner, often with projects competing for the funds. For example, the Migratory Bird Conservation Fund is mandatory spending that can be used only for acquiring migratory bird habitat. The specific habitat purchases are determined by a federally appointed panel, and the selections must have approval from either the governor of the state or the state fish and game agency. Under the Recreation Fee program, 80% of the collected funds generally remain at the unit that collected them. However, the agencies are permitted to use the other 20% of the funds for other locations and purposes, such as for units that cannot efficiently or economically collect fees. In this sense, the habitat acquisitions, recreation projects, or other activities must compete to obtain some portion of the program's funds.

Federal Land Management Agencies' Programs With Mandatory Spending Authority

This section describes the accounts with mandatory spending authority of each of the four federal land management agencies. It includes full descriptions of each fund with at least $25 million in total FY2005-FY2009 budget authority. The descriptions include the enabling legislation, the source and uses of the funds, and the FY2005-FY2009 budget authority. The accounts are listed in decreasing amount of total budget authority over the five fiscal years. Also, for each agency, there is an "other accounts" entry to identify accounts with less than $5 million in average annual budget authority over the five years. Some of these other accounts had $0 in budget authority, generally because the fund is relatively new (i.e., sufficient receipts have not yet accumulated).

Bureau of Land Management

The BLM has 31 trust funds and special funds with mandatory spending authority. Many are small; 12 had average FY2005-FY2009 annual budget authority exceeding $5 million. Nearly all are funded from agency receipts of various sorts. Total average annual budget authority for FY2005-FY2009 for the 31 accounts was $824 million, accounting for 44% of BLM funding over the five years. Nine of the accounts ($198 million) are compensation programs; the other 22 accounts ($626 million) fund BLM activities.

Southern Nevada Land Sales—Federal Funding

Several laws authorize the sale of some public lands in Nevada. The most extensive authority is the Southern Nevada Public Land Management Act (SNPLMA, P.L. 105-263). The BLM is authorized to sell land in the Las Vegas Valley, and 85% of receipts are retained for acquiring environmentally sensitive lands in Nevada for the BLM or other federal land management agencies, and for other federal land activities in Nevada. (The other 15% of receipts go to state and county governments, and are described below.) For all of these accounts, the funds accrue interest until expended. For FY2005-FY2009, federal budget authority from southern Nevada land sales, including earnings on previous receipts that had not been spent, totaled nearly $2 billion, as shown in **Table 1**.

Table 1. Federal Budget Authority Under SNPLMA and Related Laws

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
SNPLMA land sales	$961.11	$665.86	$35.47	$22.99	$9.13
SLPMA earnings	$23.24	$68.00	$111.41	$80.32	$22.03
Federal Total	**$984.35**	**$733.86**	**$146.89**	**$103.31**	**$31.16**

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Helium Fund

The Helium Privatization Act of 1996 (P.L. 104-273; 50 U.S.C. §§ 167a-167d) discontinued federal helium refining and provided for the sale of crude helium (and associated natural gas and liquid gas from the Crude Helium Enrichment Unit). Receipts are deposited in the Helium Fund to administer helium leasing and extraction from federal lands and crude helium sales, storage, and transmission, as well as for cleanup and disposal of unneeded helium refining facilities. The act also directed that, after the cleanup is completed, funds in excess of $2 million be returned to the General Treasury. The FY2005-FY2009 budget authority for the Helium Fund is shown in **Table 2**.

Table 2. BLM Budget Authority From the Helium Fund

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$76.00	$169.00	$167.00	$159.00	$96.74

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Payments to Counties, O&C and CBWR lands

The Oregon and California (O&C) and Coos Bay Wagon Road (CBWR) grant lands are lands that were granted to two private firms, then returned to federal ownership for failure to fulfill the terms of the grants. The federal government makes payments to the western Oregon counties where these lands are located to compensate them for the tax-exempt status of federal lands. Under the Act of August 28, 1937 (43 U.S.C. § 1181f), the payments for the O&C lands are 50% of receipts (mostly from timber sales).[17] Under the Act of May 24, 1939 (43 U.S.C. § 1181f-1), CBWR payments are up to 75% of receipts, but cannot exceed the taxes that would be paid by a private landowner.

As described below, under FS 25% Payments, because of declining timber sales, Congress enacted the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS, P.L. 106-393; 16 U.S.C. § 500 note) to provide payments based on historic receipts, rather than current receipts. The payments declined after FY2008, and will return to the original payment programs in FY2012, if SRS is not reauthorized.[18] **Table 3** shows annual payments for FY2005-FY2009.

The SRS act provides for three uses of the funds. The majority, 80%-85% or more, are Title I funds paid directly to the counties for any governmental purpose. In counties that receive more than $100,000 in payments, 15%-20% must be spent on Title II or Title III programs. Title III allows some funds (up to 7% of the total) to be spent on certain local governmental activities, such as search-and-rescue or community wildfire protection efforts. Title II directs a process for

[17] The act authorizes another 25% to be paid to the O&C counties, initially to repay back taxes due on the land and subsequently after "reimbursable charges against the Oregon and California land-grant fund." In practice, the reimbursable charges include the annual appropriations for O&C management, which consistently exceed 25% of receipts, and thus none of this additional 25% has been paid to the counties since the back taxes were paid nearly 60 years ago.

[18] For a description of this program, and of issues related to its possible reauthorization, see CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by Ross W. Gorte.

spending ("reinvesting") funds on the federal lands. Thus, Title I and Title III funds are county compensation, while Title II funds are for agency activities.

Table 3. Payments to Oregon Counties Under the SRS Act

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
O&C, Title I & III	$103.60	$106.12	$107.93	$110.87	$95.87
CBWR, Title I & III	$0.94	$0.96	$0.92	$1.00	$0.84
O&C & CBWR, Title II	$8.81	$8.87	$8.25	$5.00	$8.69
SRS Total	**$113.34**	**$115.95**	**$117.11**	**$116.87**	**$105.39**

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Nevada Land Sales, State and County Payments

As noted above, SNPLMA and related acts allocate 15% of receipts from land sales to Nevada state and county governments. Specifically, 5% of receipts are allocated to the general education program of the State of Nevada and 10% of receipts are allocated to the Southern Nevada Water Authority for water treatment and transmission facilities in Clark County. **Table 4** shows total payments to the State of Nevada and to the Southern Nevada Water Authority for FY2005-FY2009.

Table 4. SNLPMA Payments in Nevada

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$202.30	$117.81	$7.71	$3.21	$0.57

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Mineral Leasing Permit Processing

Section 365 of the Energy Policy Act of 2005 (EPACT05, P.L. 109-58; 42 U.S.C. § 15924) authorizes 50% of rents from onshore mineral leases on federal land from FY2006 to FY2015 to be deposited in this fund. The BLM is authorized to use the funds to identify and implement improvements and efficiencies in processing applications for permits to drill. **Table 5** shows budget authority from FY2006-FY2009.

Table 5. BLM Permit Processing Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
n/a	$27.95	$21.95	$22.62	$21.93

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Notes: n/a means not applicable.

Federal Land Disposal

The Federal Land Transaction Facilitation Act (FLTFA, P.L. 106-248, Title II; 43 U.S.C. §§ 2301-2306) allows the BLM to sell or exchange lands identified for disposal in land and resource management plans. The Secretaries of the Interior and of Agriculture can then use up to 96% of receipts from the sales to acquire inholdings and other nonfederal lands. (The other 4% of receipts are returned to the states, as described below under "Other BLM Accounts With Mandatory Spending Authority.") Of the retained receipts, at least 80% are to be used in the state where the receipts were generated. Furthermore, at least 80% are to be used to acquire "inholdings," defined in FLTFA as "any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area." The agencies may use up to 20% of the retained receipts for administrative costs. This authority has been extended until July 24, 2011 (P.L. 111-212). Budget authority for FY2005-FY2009 under FLTFA is shown in **Table 6**.

Table 6. BLM Budget Authority Under FLTFA

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$9.84	$58.22	$6.69	$11.51	$2.33

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Recreation Fees

The Federal Lands Recreation Enhancement Act (FLREA) authorizes recreation fees for certain areas and uses of federal lands through December 8, 2014, as described more fully under the National Park Service, below. In general, at least 80% of the receipts are used at the sites where the receipts were collected. **Table 7** shows BLM budget authority from recreation fees under FLREA (and its predecessor) for FY2005-FY2009.

Table 7. BLM Recreation Fees Budget Authority Under FLREA

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$13.26	$15.40	$14.55	$15.75	$17.54

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Lincoln County (NV) Land Sales

The Lincoln County Land Act (P.L. 106-298) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (P.L. 108-424) authorize the BLM to sell some public lands in the county, retaining 85% of the receipts for BLM activities in the state. This authority is similar to SNLPMA (discussed above), and collections include interest on retained funds as well as the sale receipts. As with SNLPMA, the funds are available for acquiring environmentally sensitive lands in Nevada, for the BLM or other federal land management agencies. The funds are also available for other management purposes, such as managing archaeological resources and developing and implementing a multi-species habitat conservation plan for the county. **Table 8** shows the budget authority for FY2005-FY2009.

Table 8. Federal Budget Authority from Land Sales in Lincoln County

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Land Sales	$42.83	$0.00	$0.00	$0.00	$0.00
Interest	$0.30	$1.06	$2.21	$2.00	$0.53
Federal Total	**$43.13**	**$1.06**	**$2.21**	**$2.00**	**$0.53**

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Payments to Alaska, National Petroleum Reserve

Mineral leasing in the National Petroleum Reserve in Alaska generates substantial receipts, and 50% of those receipts are given to the State of Alaska. Since FY2007, mineral leasing receipts have been collected by the Bureau of Ocean Energy Management, Regulation and Enforcement (previously the Minerals Management Service), which makes the payments to the state. Thus, the payments are no longer appear in the BLM budget justification, although the payments are still being made.

Table 9. Mineral Leasing Payments to Alaska from the National Petroleum Reserve

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$31.60	$4.47	$12.77	n/a	n/a

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Notes: n/a means not applicable.

Timber Sales Pipeline Restoration Fund

The Timber Sales Pipeline Restoration Fund (16 U.S.C. § 1611 note) was authorized by § 327 of the Omnibus Consolidated Rescissions and Appropriations Act, 1996 (P.L. 104-134) for the BLM (and the FS; see below). This program was established to fund additional timber sale preparation from the federal share of receipts (i.e., the monies not granted to the states or counties) from certain canceled-but-reinstituted O&C timber sales.[19] The account now operates as a revolving fund, with receipts from these sales used to sales prepare additional sales. Three quarters of the money is to be used to prepare timber sales (other than salvage), and the other quarter is to be used on recreation projects. When the Secretary of the Interior finds that the allowable sales level for the O&C lands has been reached, he may end payments to this fund and transfer any remaining money to the General Treasury as miscellaneous receipts. Budget authority for this account is shown in **Table 10**.

[19] These timber sales were originally offered and sold under §318 of the FY1990 Interior appropriations act (P.L. 101-381), but were halted in 1992 after the marbled murrelet was listed as a threatened species under the Endangered Species Act. BLM was directed to reinstate the sales in §2001(k), the Emergency Salvage Timber Sale Program, of the 1995 Emergency Supplemental Appropriations and Rescissions Act (P.L. 104-19).

Table 10. BLM Timber Sale Pipeline Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$8.84	$12.46	$10.92	$10.38	$5.16

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Forest Ecosystems Health and Recovery Fund

This fund was created by an unnumbered section of the 1993 Department of the Interior and Related Agencies Appropriations Act (P.L. 102-381; 43 U.S.C. § 1736a). Funds are derived from the federal share (i.e., the monies not granted to the states or counties) of receipts from the sale of salvage timber from any BLM lands. The money can be used to plan, prepare, administer, monitor, and subsequently reforest salvage timber sales. The use of the fund was expanded by an unnumbered section of the Department of the Interior and Related Agencies Appropriations Act, 1998 (P.L. 105-83) to authorize the funds also to be used to reduce the risk of catastrophic events (e.g., severe wildfires) from forest health problems, such as releasing trees from competing vegetation and controlling tree density, as well as to respond to damage events.[20] Budget authority for the fund for FY2005-FY2009 is shown in **Table 11**.

Table 11. Forest Ecosystems Health & Recovery Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$6.24	$6.80	$7.27	$5.33	$7.00

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

Geothermal Steam Act Implementation Fund

Section 234 of EPACT05 (30 U.S.C. § 1004) authorizes the BLM to retain 25% of geothermal bonuses, rents, and royalties from FY2006-FY2010 to be deposited into this special fund.[21] The BLM is authorized to use the funds to expedite development of geothermal steam as an energy source. **Table 12** shows budget authority from FY2006-FY2009.

Table 12. Geothermal Steam Implementation Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
n/a	$3.52	$4.36	$9.16	$12.66

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html.

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[20] There is some question as to whether this extension of spending authority altered the program permanently or just for FY1998.

[21] The act also directs 50% of geothermal bonuses, rents, and royalties to be paid to the states and 25% to the counties where the receipts were generated. However, since the Bureau of Ocean Energy Management, Regulation and Enforcement (formerly the Minerals Management Service) collects the receipts and makes the state and county payments, these payments are not shown in the BLM *Budget Justifications.*

Notes: n/a means not applicable.

Other BLM Accounts With Mandatory Spending Authority

The BLM has 19 other accounts with mandatory spending authority, including 12 for agency operations and 7 for local compensation. Payments for local compensation are made annually, unless otherwise noted. The funds are listed below in descending order of total FY2005-FY2009 budget authority; those with $0 budget authority over that period are listed in chronological order of establishment and then alphabetically for those created simultaneously. **Table 13** shows the budget authority for these accounts.

- **Naval Oil Shale Reserve**. The National Defense Authorization Act of 1998 transferred administration of Naval Oil Shale Reserve Numbers 1 and 3 to the BLM. Subsequent amendments authorized retention of mineral leasing funds for site remediation and cleanup. The appropriated balance of $12.996 million for FY2009 was rescinded.
- **Native Alaskan Groups' Properties**. The Alaska Native Claims Settlement Act of 1971 (ANSCA, P.L. 92-203; 43 U.S.C. §§ 1601 et seq.) authorized Alaska Native Corporations to choose cash valuations for their lands. Various laws have authorized Treasury appropriations to be "warranted" into specific accounts for various Native Corporations.
- **Expenses, Road Maintenance Deposits**. Section 502(c) of the Federal Land Policy and Management Act of 1976 (FLPMA, P.L. 94-579; 43 U.S.C. § 1762) allows the BLM to collect money from users of roads, trails, land, and other BLM facilities for road maintenance and reconstruction. Most of the collections come from the O&C lands and are available primarily for those lands. Collections in excess of needs are refunded or transferred to miscellaneous receipts.
- **Payments to States, Proceeds of Sales**. Numerous laws, beginning with the Act of March 6, 1820, and aggregated into a single program by an unnumbered section of the 1952 Interior appropriations act (65 Stat. 252; uncodified), are the basis for this program. States are paid 5% of the net receipts (4% of the gross) from selling public land and products (e.g., timber) as compensation for the tax-exempt status of federal lands. The payments may be used for education and public roads and improvements.
- **Payments to States, Grazing Within Grazing Districts**. The Taylor Grazing Act (Act of June 28, 1934; 43 U.S.C. § 315i) created an account to pay 12½% of grazing fee receipts from public lands inside grazing districts to the states in which the grazing districts are located. When payment is not feasible on a percentage basis, states are paid specific amounts from grazing fee receipts from miscellaneous lands within grazing districts. These lands are administered under cooperative agreements specifying that the BLM distribute the receipts. Payments may be used by the state for the benefit of the counties containing the grazing lands.
- **Resource Development Protection and Management, Taylor Grazing Act**. The Taylor Grazing Act also authorizes the Secretary of the Interior to accept contributions for administering, protecting, and improving grazing lands, and deposits for cooperative work on grazing lands. Receipts may be spent on the

specified rangeland activities, with refunds of deposits "in excess of their [cooperators'] share of the cost" for cooperative efforts.

- **Payments to States, Grazing Outside Grazing Districts**. The Taylor Grazing Act also created an account to pay 50% of grazing fee receipts from public lands outside of grazing districts to the states in which the grazing lands are located. Again, payments may be used by the state for the benefit of the counties containing the grazing lands.
- **Payments to Counties, National Grasslands**. This fund is more fully described below, under the Forest Service ("Payments to Counties, National Grassland Fund"). The BLM pays 25% of the net receipts from land uses on the national grasslands, such as from grazing and mineral leasing, to the counties in which the lands are located. Funds are available for schools and roads.
- **Public Survey**. Land survey laws, beginning with the Act of August 20, 1894 (43 U.S.C. § 760), authorize payments to the Secretary of the Interior for public surveys of townships, with any excess money refunded to the contributor.
- **NPR-2 Lease Revenue**. Section 331 of EPACT05 transferred Naval Petroleum Reserve Number 2 from the Department of Energy to DOI and § 332 authorized a portion of mineral lease receipts to be deposited into a special fund for the BLM to remove environmental contamination (10 U.S.C. § 7420 note). The authority to use the funds terminates when the cleanup is completed.
- **Operations and Maintenance of Quarters**. This fund is described more fully below, under the "National Park Service." The BLM collects rents and other charges from employees who occupy agency housing. Monies are used to maintain and repair these quarters.
- **Stewardship Contracting, Excess Receipts**. The BLM (and the FS, as described below) are authorized to enter into contracts providing for timber removal and requiring land management services.[22] Timber receipts in excess of the cost of the required land management services are retained by the BLM for additional restoration work.
- **Payments to Oklahoma**. The Act of June 12, 1926 (ch. 572; uncodified) established an account to pay Oklahoma 37½% of the oil and gas royalties from the south half of Red River in lieu of state and local taxes on certain Tribal lands (Kiowa, Comanche, and Apache). These biannual payments may be used for schools or roads.
- **Alaska Townsites**. Non-Native Alaskans who occupied town lots before 1976 may acquire those lots by depositing funds to cover the cost of surveys and deed transfers, plus $25.
- **White Pine County Land Sales**. The White Pine County Conservation, Recreation, and Development Act of 2006[23] provides a land-sale authority in the county similar to that in SNLPMA and for Lincoln County (both described above), again retaining 85% of receipts for BLM activities in the state. Through FY2009, no land sales have occurred, and thus no receipts have been generated.

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[22] Section 347 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (in §101(e) of Division A of P.L. 105-277), as amended by §323 of the 2003 Consolidated Appropriations Resolution (in Division F of P.L. 108-7); 16 U.S.C. §2104 note.

[23] Title III of Division C of P.L. 109-432, Tax Relief and Health Care Act of 2006.

- **Carson City Land Sales Account and Special Account**. Section 2601 of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) authorizes the sale of 158 acres of federal land, with 5% of receipts for the state and the remainder for the BLM (and the FS) to cover the costs of the appraisals and sales and to acquire environmentally sensitive land in the city.
- **Owyhee Land Acquisition**. Section 1505 of P.L. 111-11 authorizes the sale of public lands in Boise County, ID, previously identified for sale, within 10 years after enactment or until $8 million have been accumulated. Receipts are to be used to acquire lands or interest in lands in or adjacent to the wilderness areas designated in Subtitle F of Title I of the act.
- **Silver Saddle Endowment**. Section 2601 of P.L. 111-11 authorizes the sale of 62 acres to Carson City, NV, with proceeds used by the BLM for oversight and enforcement of a perpetual easement to protect, preserve, and enhance the conservation values of the land.
- **Washington County Land**. Section 1978 of P.L. 111-11 authorizes the sale of previously identified public lands in Washington County, UT, to acquire lands or interest in lands from willing sellers in the wilderness areas or the national conservation area designated in Subtitle O of Title I of the act.

Table 13. Budget Authority for Other BLM Accounts With Mandatory Spending Authority

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Naval Oil Shale Reserve	$0.00	$6.30	$0.00	$16.22	$0.00[a]
Native Alaskan Groups' Properties	$5.00	$5.00	$0.00	$4.40	n/r
Expenses, road maintenance deposits	$2.82	$2.25	$2.08	$1.93	$1.72
Payments to states, proceeds of sales	$1.29	$1.25	$3.31	$1.32	$1.22
Payments to states, § 3 grazing lands	$1.24	$1.50	$1.54	$1.44	$2.65
Resource development, et al.	$1.10	$1.19	$1.32	$0.99	$0.94
Payments to states, § 15 grazing lands	$0.87	$1.08	$1.03	$0.86	$0.89
Payments to counties, Natl. Grasslands	$0.66	$0.84	$0.98	$1.06	$0.00
Public survey	$0.72	$0.47	$0.53	$0.77	$0.96
NPR-2 lease revenues	$0.00	$0.50	$2.08	$0.50	$0.00
Operations & maintenance of quarters	$0.39	$0.42	$0.52	$0.57	$0.62
Stewardship contracting	$0.00	$0.03	$0.11	$0.03	$0.16
Payments to Oklahoma	$0.01	$0.01	$0.02	$0.00	$0.00
Alaska Townsites	$0.00	$0.00	$0.00	$0.00	$0.00
White Pine Co. land sales	n/a	n/a	$0.00	$0.00	$0.00
Carson City special account	n/a	n/a	n/a	n/a	$0.00
Owyhee land sales	n/a	n/a	n/a	n/a	$0.00
Silver Saddle endowment	n/a	n/a	n/a	n/a	$0.00
Washington Co. land sales	n/a	n/a	n/a	n/a	$0.00

Source: U.S. DOI, BLM, *Budget Justifications*, annual series, http://www.blm.gov/wo/st/en/prog/more/division_of_budget.html

Notes: n/r means not reported; n/a means not applicable.

a. The appropriated balance of $13.00 million was rescinded in FY2009. An unappropriated balance of $76.67 million remains in the account.

National Park Service

The NPS has 17 accounts with mandatory spending authority, all funded from receipts. Many are small; only seven had average annual FY2005-FY2009 budget authority exceeding $5 million, and the largest averaged $162 million. Average annual FY2005-FY2009 budget authority totaled $335 million, 12% of total NPS funding. Of these accounts, 15 support agency activities and the other 2 (both less than $0.5 million average annual budget authority) are compensation programs.

Recreation Enhancement Program

The Federal Lands Recreation Enhancement Act (FLREA; 16 U.S.C. §§ 6801-6814) was enacted in Title VIII of Division J of the FY2005 Consolidated Appropriations Act (P.L. 108-447). It replaced an earlier recreation fee program. FLREA authorizes the federal land management agencies (plus the DOI Bureau of Reclamation) to charge fees at recreation sites for 10 years (through December 8, 2014). It provides for different kinds of fees, criteria for charging fees, public participation in determining fees, and the establishment of a national recreation pass. The act directs that, in general, at least 80% of the fees are to be used at the sites where they were collected. The Secretary can reduce that to not less than 60% for a fiscal year, if collections are in excess of reasonable needs. The remaining funds can be used at other sites, including those where fee collection is infeasible or inefficient, and up to 15% can be used for administering the recreation fee program. The agencies have broad discretion in using the retained fees, such as to maintain and improve recreation facilities, provide visitor services, and restore wildlife habitats. NPS budget authority under FLREA is significantly larger than for the other agencies, and is shown in **Table 14**.

Table 14. NPS Budget Authority Under FLREA

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$146.81	$157.29	$167.36	$170.85	$169.30

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Concession Franchise Fees

The National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. §§ 5951-5966), Title IV of the National Parks Omnibus Management Act of 1998 (P.L. 105-391), directs that all franchise fees and other monetary considerations from concessions contracts be deposited into a special account. The NPS is authorized to use the funds to support contract development and concession activities and for high-priority resource management programs and operations. This account is replacing the concessions improvement accounts (discussed below) as concessions contracts are renewed. Budget authority under this program is shown in **Table 15**.

Table 15. NPS Concession Franchise Fees Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$29.48	$35.87	$47.71	$53.18	$58.22

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Annuity Benefits, U.S. Park Police

A provision in the FY2002 Interior appropriations act (P.L. 107-63; 16 U.S.C. § 14e) made annuity benefits for retirees mandatory spending. (These annuity benefits originally required annual appropriations.) Funds cover the costs of pension benefit payments to U.S. Park Police retirees, surviving spouses, and dependents for officers hired prior to January 1, 1984. Budget authority since FY2005 is shown in **Table 16**.

Table 16. Pension Annuity Benefits, U.S. Park Police

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$31.24	$35.09	$37.11	$38.96	$40.91

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Donations, National Park Service

In accordance with § 1 of the Act of June 5, 1920 (16 U.S.C. § 6), this fund is comprised of donations received by the Secretary of the Interior. Donations are tracked to assure that the funds are used for the purposes for which they were donated. Annual donations sometimes fluctuate widely, as shown in **Table 17**.

Table 17. Budget Authority from NPS Donations

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$27.61	$27.00	$27.29	$57.56	$31.24

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Operation and Maintenance of Quarters

This program was authorized in 1964 (P.L. 88-459; 5 U.S.C. § 5911) but was not made mandatory spending until 1984, in § 320 of Title I of the Continuing Appropriations Act, 1985 (P.L. 98-473). Federal agencies collect rent from employees who use government-owned housing. For the NPS, the funds are used to operate and maintain the agency's housing throughout the National Park System. The FY2005-FY2009 budget authority is shown in **Table 18**.

Table 18. NPS Budget Authority for Operation and Maintenance of Quarters

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$16.33	$16.80	$18.33	$19.56	$19.98

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Concessions Improvement Accounts

This account was created in the Concessions Policy Act of 1965 (P.L. 89-249; 16 U.S.C. § 20) to authorize the traditional NPS practice of requiring maintenance and improvement activities by concessioners in their contracts. The account contains money derived from NPS agreements that require private concessioners, who provide visitor services within the parks, to put either a portion of gross receipts or a fixed sum into a separate account. With park approval, a concessioner may spend the funds for facilities that directly support the concession's visitor services but that were not funded through the appropriations process. This account is being replaced with the Concession Franchise Fees, described above, as concession contracts are renewed or replaced.

Table 19. NPS Concessions Improvement Accounts Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$17.94	$22.58	$13.00	$8.05	$13.72

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Transportation System Fund

Section 501 of the National Parks Omnibus Management Act of 1998 (P.L. 105-391; 16 U.S.C. § 5981) authorizes the NPS to collect fees for the use of public transportation services within the Park System. All fees collected must be used on costs associated with transportation services in the park unit where the fees were collected. **Table 20** shows the FY2005-FY2009 budget authority for the 13 park units with approved public transportation services and fees.

Table 20. NPS Transportation System Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$10.99	$7.05	$11.64	$13.88	$10.98

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Other NPS Accounts With Mandatory Spending Authority

The NPS has 10 additional accounts with mandatory spending authority, primarily to fund specific agency activities. The funds are listed below in descending order of total FY2005-FY2009 budget authority. One of the accounts—Spectrum Relocation—only had funding in one year, but it was substantial enough for the account to be listed. **Table 21** shows the budget authority for these accounts.

- **Park Buildings Lease and Maintenance**. Section 802 of the National Parks Omnibus Management Act of 1998 (P.L. 105-391; 16 U.S.C. § 1a-2(k)) created a special fund consisting of the rent money derived from leases on NPS buildings and other property. The money may be used for maintenance, for facility repair and replacement, and for infrastructure projects in the National Park System.
- **Spectrum Relocation**. The Commercial Spectrum Enhancement Act (Title II of P.L. 108-494; 47 U.S.C. § 901 note)) created the Spectrum Relocation Fund with receipts from commercial auctioned licenses of portions of the federal frequency spectrum bands. From the fund, $14.7 million was made available to the NPS to replace the communications systems at the Blue Ridge and Natchez Trace Parkways.
- **OCS Lease Revenues (LWCF)**. Section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (GOMESA; 43 U.S.C. § 1331 note)[24] allocated 12.5% of qualified revenues from oil and gas leasing in a portion of the U.S. Outer Continental Shelf (OCS) to the state assistance program of the Land and Water Conservation Fund (LWCF). Funds are allocated to the states under a formula in the statute. LWCF is a special account for federal land acquisition and state assistance for recreation that requires annual appropriations for all expenditures other than under § 105(a)(2)(B) of GOMESA.
- **Recreation Fees, Deed-Restricted Parks**. In 1998, the LWCF Act was amended in P.L. 105-327 (16 U.S.C. § 460*l*-6a(i)(1)(C)) to establish an account consisting of recreation fees collected from park units where deed restrictions prohibit the collection of entrance fees. The account applies to the Great Smoky Mountains National Park, Lincoln Home National Historic Site, and Abraham Lincoln Birthplace National Historic Site. The money may be used at the collecting site for a variety of operating purposes, including interpretation, protection of resources, and repair and maintenance.
- **Glacier Bay National Park Resource Protection**. Section 703 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333; 16 U.S.C. § 1a-2(g)) established an account consisting of 60% of the fees paid by boat operators and other permit holders entering Glacier Bay National Park. The money may be used to protect park resources from harm by the permittees.
- **Filming and Photography Special Use Fees**. P.L. 106-206 authorized fees for using park lands and facilities in commercial filming and certain commercial photography (16 U.S.C. § 460*l*-6d). The fees generally are retained at the sites where collected; agency use of the fees is in accordance with the allocation under FLREA (described above).
- **Educational Expenses, Children of Employees, Yellowstone National Park**. Section 1 of the Act of June 4, 1948 (16 U.S.C. § 40a) created a special account containing "a sufficient portion" of the fees collected from visitors to Yellowstone National Park. The money is used to educate dependents of Park employees living at or near the Park on federal property not subject to state and local taxes or payments in lieu of taxes.

[24] Title I of Division C of P.L. 109-432, the Tax Relief and Health Care Act of 2006.

- **Delaware Water Gap National Recreational Area, Route 209 Operations**. Chapter VII of the 1983 Supplemental Appropriations Act (P.L. 98-63) restricted commercial traffic on U.S. Route 209 through the Delaware Water Gap National Recreation Area, and established a special account of fees collected from commercial vehicles allowed in the area. The fund was reauthorized in § 702 of the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333). The funds may be used to manage, operate, and maintain Route 209 within the Recreation Area.
- **Tax Losses on Land Acquired for Grand Teton National Park**. Section 5 of the Act of September 14, 1950 (16 U.S.C. § 406d-3) established a special account with money collected from visitors to Grand Teton and Yellowstone National Parks. No more than 25% of the fees collected may be used to compensate Wyoming, in accordance with a schedule of payments, for tax losses due to federal land acquisitions.
- **Preservation, Birthplace of Abraham Lincoln**. In accordance with § 2 of the Act of July 17, 1916 (16 U.S.C. §§ 211, 212), this fund consists of an endowment given to the United States by the Lincoln Farm Association. The interest on the fund is used to preserve Kentucky's Abraham Lincoln Birthplace National Historic Site.

Table 21. Budget Authority for Other NPS Accounts With Mandatory Spending Authority

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Park buildings lease & maintenance	$2.41	$2.38	$3.87	$6.69	$4.50
Spectrum relocation	n/a	n/a	$14.70	n/a	n/a
OCS lease revenues (LWCF)	n/a	n/a	n/a	n/a	$8.41
Recreation fees, deed-restricted parks	$1.22	$1.40	$1.49	$1.66	$1.69
Glacier Bay NP resource protection	$1.12	$1.47	$1.32	$1.66	$1.66
Film & photography special use fees	n/a	$0.41	$1.35	$1.27	$0.51
Educational expenses, Yellowstone NP	$1.03	$0.24	$0.37	$0.51	$0.06
Delaware Water Gap NRA, Rte 209 ops.	$0.12	$0.04	$0.06	$0.06	$0.04
Tax losses for Grand Teton NP	$0.01	$0.01	$0.01	$0.01	$0.01
Preservation, birthplace of Abe Lincoln	[a]	[a]	[a]	[a]	[a]

Source: U.S. DOI, NPS, *Budget Justifications*, annual series, http://home.nps.gov/applications/budget2/downloads.htm.

Notes: n/a means not applicable.

a. Less than $5,000.

Fish and Wildlife Service

The FWS has 10 trust funds or special funds with mandatory spending authority. Five had average annual FY2005-FY2009 budget authority exceeding $5 million. Average annual FY2005-

FY2009 funding from these 10 accounts totaled $798 million, 36% of total FWS funding.[25] The two largest accounts (together $729 million in average annual budget authority) are funded mostly from fuel and excise taxes, and largely provide grants to states allocated by formula. One account is funded from receipts, supplemented annually with appropriations, to compensate local governments. The remaining seven accounts fund land acquisition or agency activities.

Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux)[26]

In 1950, Congress passed the Federal Aid in Sport Fish Restoration Act (16 U.S.C. § 777 and 26 U.S.C. § 9504(a)).[27] In 2005, the account name was changed to the Sport Fish Restoration and Boating Fund (in Title X of P.L. 109-59). The fund receives deposits from (1) taxes on motorboat fuel (after $1 million is credited to the Land and Water Conservation Fund); (2) taxes on small engine fuel used for outdoor power equipment; (3) excise taxes on sport fishing equipment, such as fishing rods, reels, and lures; (4) import duties on fishing boats and tackle; and (5) interest on unspent funds in the account.

Numerous programs are funded from the Wallop-Breaux special account, as shown in **Table 22**. The majority is grants allocated by formula to states and territories for substantial projects to benefit sport fish habitat, research, inventories, education, stocking of sport fish into suitable habitat, and more (but not law enforcement or public relations). The allocation is based on the number of licensed anglers in the state (60%) and on the land and water area of the state (40%), although no state receives less than 1% or more than 5% of the apportionment.[28] The states and territories can receive up to 75% of the cost of restoration projects, including acquiring and developing land and water areas. Before funds are apportioned to states, some are allocated to administer the account and then amounts are allocated to various other specified programs. In particular, 18% of the annual funds available are allocated to boating safety and transferred to the U.S. Coast Guard, and another 12.6% of the funds are allocated to the Coastal Wetlands Program administered by the U.S. Army Corps of Engineers. These funding transfers are typically excluded from FWS budget documents, and from **Table 22**, because they are not mandatory spending authority for the FWS.

Table 22.Dingell-Johnson/Wallop-Breaux Fund Allocations to FWS

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Grants to states and territories	$273.01	$290.36	$348.20	$397.80	$402.67
Administrative costs	$8.61	$9.02	$9.23	$9.46	$9.93
Clean Vessel Program	$10.00	$10.98	$12.52	$13.97	$13.94
National Outreach Program	$10.00	$10.98	$12.52	$13.97	$13.94
Non-trailerable boat access	$8.00	$10.98	$12.52	$13.97	$13.94

[25] This is adjusted for the inter-fund transfers (from Dingell-Johnson/Wallop-Breaux and Pittman-Robertson to the North American Wetlands Fund) and excludes annual appropriations to these accounts.

[26] See CRS Report RS22060, *The Sport Fish Restoration and Boating Trust Fund*, by Eugene H. Buck.

[27] The original act is also known as the Dingell-Johnson Act. In 1984, it became part of a larger Aquatic Resources Trust Fund established in the "Wallop-Breaux" Act (Part 1—Boating Safety and Sport Fish Restoration of Subtitle B, Title X, Division A of the Deficit Reduction Act of 1984, P.L. 98-369). Hence the account is also called the Wallop-Breaux Fund.

[28] In addition, Puerto Rico receives 1%, while the Virgin Islands, Guam, American Samoa, Northern Mariana Islands, and the District of Columbia each receive a third of 1%.

	FY2005	FY2006	FY2007	FY2008	FY2009
Multi-state conservation grants	$3.00	$3.42	$3.28	$3.14	3.14
Coastal wetlands programs	$12.44	$13.51	$16.37	$18.92	$19.27
No. Am. Wetlands Conserv. Fund	$12.44	$13.51	$16.37	$18.92	$19.27
Fishery commissions	$0.80	$0.80	$0.80	$0.80	$0.80
Sport Fish & Boat Council	$0.40	$0.40	$0.40	$0.40	$0.40
Wallop-Breaux Total	**$338.70**	**$363.97**	**$432.19**	**$491.34**	**$497.28**

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

Federal Aid in Wildlife Restoration (Pittman-Robertson)

In 1937, the Federal Aid in Wildlife Restoration Act (16 U.S.C. § 669 and 26 U.S.C. § 4161(b) and § 4181) created this special account, also known as the Pittman-Robertson Fund. It receives excise taxes on certain guns, ammunition, and bows and arrows. Numerous programs are funded from the Pittman-Robertson Fund, as shown in **Table 23**. The majority is allocated to states and territories, which can receive up to 75% of the cost of FWS-approved wildlife restoration projects, including acquisition and development of land and water areas. Funding is also provided for hunter education programs and for multi-state conservation grants. The FWS is authorized to use a limited amount of the funds for administering the account. In addition, interest on balances in the account is allocated to the North American Wetlands Conservation Fund (described below).

Table 23. Pittman-Robertson Fund Allocations

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Grants to states and territories	$219.20	$231.11	$258.04	$301.10	$327.90
Hunter education and safety	$8.00	$8.00	$8.00	$8.00	$8.00
Multi-state conservation grants	$3.00	$3.00	$3.00	$3.00	$3.00
Administrative costs	$8.61	$9.02	$9.21	$9.46	$9.93
No. Am. Wetland Conserv. Fund	$12.41	$14.18	$18.00	$18.32	$18.22
Pittman-Robertson Total	**$251.22**	**$265.30**	**$296.25**	**$339.88**	**$367.05**

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

North American Wetlands Conservation Fund

This fund was created in the North American Wetlands Conservation Act (P.L. 101-233; 16 U.S.C. §4401-4414) in 1989. The program receives money from annual appropriations as well as from three mandatory spending provisions: interest on funds from excise taxes on hunting equipment under Pittman-Robertson; transfers from Dingell-Johnson/Wallop-Breaux; and fines for violations of the Migratory Bird Treaty Act. The purpose of the program is to conserve wetland ecosystems through voluntary partnerships with required cost-sharing. FY2005-FY2009 budget authority is shown in **Table 24**.

Table 24. Sources of Funds for the North American Wetlands Conservation Fund

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Pittman-Robertson Fund interest	$12.41	$14.18	$18.00	$18.32	$18.22
Wallop-Breaux allocation	$12.44	$13.51	$16.37	$18.92	$19.27
Migratory Bird Treaty Act fines	$7.43	$0.80	$0.48	$4.58	$0.80
Mandatory Spending Subtotal	**$32.28**	**$28.49**	**$34.85**	**$41.82**	**$38.29**
Annual appropriations	$37.47	$39.41	$39.41	$41.98	$42.65
Fund Total	**$69.75**	**$67.90**	**$74.26**	**$83.80**	**$80.94**

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

Migratory Bird Conservation Fund

The major portions of the legislation authorizing this account were enacted in 1929 (16 U.S.C. § 715) and 1934 (16 U.S.C. § 718). Deposits include receipts from the sale of duck stamps and from import duties on arms and ammunition. The fund is mandatory spending for acquisition of habitat "for use as an inviolate sanctuary, or for any other management purpose"[29] for *migratory birds*, as defined in 16 U.S.C. § 715j. This section of the code refers to definitions in bilateral treaties with Canada, Mexico, Russia, and Japan.[30] States are heavily involved in selecting parcels to be acquired, but final selection is done by the Migratory Bird Conservation Commission from properties nominated by the Secretary of the Interior.

Table 25. Sources of Funds for the Migratory Bird Conservation Fund

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Duck stamps	$23.66	$23.28	$22.54	$22.36	$22.93
Arms and ammo import duties	$15.64	$16.61	$21.18	$22.95	$29.45
Migratory Bird Fund Total	**$39.40**[a]	**$39.90**	**$43.72**	**$46.31**	**$52.38**

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

a. Includes $90,000 of entrance fees, prior to enactment of the Federal Lands Recreation Enhancement Act.

Refuge Revenue Sharing Fund

The Refuge Revenue Sharing Act (P.L. 95-469; 16 U.S.C. § 715s) was enacted in 1978 to compensate counties for the loss of revenue due to the tax-exempt status of NWRS lands. The Refuge Revenue-Sharing Fund, also called the National Wildlife Refuge Fund, accumulates net receipts from the sale of certain products (gravel, timber, rights of way, grazing permits, energy

29 16 U.S.C. §715d(2).

30 The breadth of definitions in all four treaties makes it clear that they include many nongame birds. Taken together, it is difficult to determine which (if any) native birds are excluded. Thus, habitat suitable for birds not normally hunted (but migratory under the treaties' definitions) can be purchased with these funds, even though migratory waterfowl hunters are the primary source of the funds. In practice, the FWS has focused on purchasing habitat important to game birds at some phase of their life cycles.

development, etc.). The receipts are mandatory spending, paid to counties for any governmental purpose on the basis of a complex formula—generally the highest of $0.75 per acre, three-fourths of 1% of fair market value of the land, or 25% of net receipts.[31] The formula did not link the total amount to be paid by the federal government to the amount collected; when it became clear that receipts were not sufficient to cover the payments, Congress authorized annual appropriations to make up the difference. Over the past five years, annual appropriations have provided 38% to 51% of the authorized payments, and 53% to 68% of the actual payments.

Table 26. Budget Authority from the Refuge Revenue-Sharing Fund

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Receipts (mandatory spending)	$11.53	$11.61	$12.38	$11.10	$6.75
Annual appropriations	$14.21	$14.20	$14.20	$14.20	$14.10
Refuge Revenue-Sharing Total	**$25.74**	**$25.81**	**$26.58**	**$25.30**	**$20.85**

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

Other FWS Accounts With Mandatory Spending Authority

The FWS has five other special funds, all for agency operations, with mandatory spending authority.

- **Recreation Fees Under FLREA**. This program is more fully described above, under National Park Service. In general, FLREA allows managers to retain 80% or more of entrance and user fees at their refuge to improve visitor experiences, protect resources, collect the fees, enforce laws relating to public use, etc. In practice, the authority to use up to 20% of the receipts at other refuges has been delegated to the regional offices, and few have chosen to shift any funds.
- **Contributed Funds**. The FWS is authorized under various statutes to accept donations of real and personal property or services or facilities from individuals, private organizations, and other governments to further the purposes of the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-668), the Fish and Wildlife Act of 1956 (16 U.S.C. §§ 742b-742i), and the Land and Water Conservation Fund Act (P.L. 88-578; 16 U.S.C. §§ 460*l*-4 to 460*l*-11).
- **Operations and Maintenance of Quarters Fund**. This program is more fully described under National Park Service. The fund essentially collects rents and charges from employees occupying FWS quarters and is used to maintain the structures.
- **The Lahontan Valley and Pyramid Lake Fish and Wildlife Fund**. This fund was established in the Truckee-Carson Pyramid Lake Water Rights Settlement Act (§ 206(f) of P.L. 101-618, as amended). It uses the receipts associated with a water rights settlement in Nevada to support restoration and enhancement of wetlands and fisheries in the area. Proceeds from the sale of certain lands in the area are also deposited in the fund.

[31] For a more thorough explanation, see CRS Report 90-192, *Fish and Wildlife Service: Compensation to Local Governments*, by M. Lynne Corn.

- **Proceeds from Sales Fund**. This fund (16 U.S.C. § 460) uses the receipts from sales of resources on Corps of Engineers land managed by FWS to cover the expenses of managing those sales and carrying out development, conservation, and maintenance of these lands.

Table 27. Expenditures from Other FWS Accounts With Mandatory Spending Authority

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
FLREA recreation fees	$4.29	$4.28	$4.41	$4.66	$4.78
Contributed funds	$3.42	$3.09	$2.21	$5.00	$4.51
Operations & maint. of quarters	$2.59	$2.55	$2.83	$2.94	$3.05
Lahontan Valley Fund	$1.18	$0.33	$0.52	a	$0.59
Proceeds of sales	$0.04	$0.06	$0.09	$0.34	$0.46

Source: U.S. DOI, FWS, *Budget Justifications*, http://www.fws.gov/budget/.

a. Less than $5,000.

Forest Service

The FS has 23 trust funds and special funds with mandatory spending authority. Of these, 13 had average annual FY2005-FY2009 obligations exceeding $5 million. Agency receipts fund most of these accounts, while import tariffs fund one, license fees fund another, and the General Treasury funds a third. Average annual FY2005-FY2009 budget authority for the 23 accounts totaled $764 million, 22% of FS non-fire obligations.[32] Three accounts ($375 million) are compensation funds, while the other 20 accounts ($390 million, plus a portion of the largest compensation account) fund agency activities.

25% Payments to States

This account, also called FS receipt-sharing payments, was established in the Act of May 23, 1908 (16 U.S.C. § 500). The FS grants 25% of its receipts to the states for use on roads and schools in the counties where the national forests are located. The states can determine the portion allocated to each road and school program, but the allocation to each county is based on the area of national forest land in each county, and the states cannot retain any of the funds.

The program was amended in 1976 (§ 16 of the National Forest Management Act of 1976 (NFMA), P.L. 94-588) to include deposits to the Knutson-Vandenberg Fund (K-V Fund, discussed below) and the value of roads built by timber purchasers as receipts subject to 25% payments. [33] Deposits to the Salvage Sale Fund (discussed below) were initially excluded from

[32] USFS fire budget authority was excluded because (a) DOI fire funding is not included in agency budget authority, and thus the proportion would not be comparable; and (b) approaches to fire funding, including possible mandatory spending accounts, have been controversial. See CRS Report RL33990, *Federal Funding for Wildfire Control and Management*, by Ross W. Gorte.

[33] The counties argued successfully that the reforestation and road expenses were discretionary agency decisions, and that deducting these costs from timber receipts reduced the money to which the counties were entitled. Initially, the road value was "purchaser road credits," but the purchaser credit program was terminated by §329 of the FY1999 Interior appropriations act, §1010(e) of Division A of the 1999 Omnibus Consolidated and Emergency Supplemental

receipt-sharing, but were included as receipts subject to 25% payments under provisions in the annual Interior appropriations acts beginning in FY1988; this was made permanent in the FY1993 Interior appropriations act. Because the 25% payments are made for total FS receipts nationally (and Secure Rural Schools payments, described below, can be made from the General Treasury) and because K-V and Salvage Sale Fund deposits can be up to 100% of sale receipts and road values are non-cash "receipts," it is possible for the total allocation from individual sales or entire national forests (or even nationally under SRS) to exceed 100% of timber sale receipts.

Because of declining timber sales (due to protection of spotted owl habitat and other values), Congress enacted the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS, P.L. 106-393; 16 U.S.C. § 500 note) and amended it in 2007 (P.L. 110-343).[34] This act provides counties with the option of payments based on historic receipts, rather than 25% of current receipts, with declining payments after FY2008.[35] The act also amended the 25% payments to provide payments based on a seven-year rolling average of receipts, rather than current-year receipts, to reduce the annual fluctuations in the 25% payments.

The SRS act provides for three uses of the funds. The majority, 80%-85% or more, are Title I funds paid directly to the states for use on roads and schools in the counties where the national forests are located. In counties that receive more than $100,000 in payments, 15%-20% must be spent on Title II or Title III programs. Title III allows some funds (up to 7% of the total) to be spent on certain local governmental activities, such as search-and-rescue or community wildfire protection efforts. Title II directs a process for spending funds ("reinvesting") on the federal lands. Thus, Title I and Title III funds are county compensation, while Title II funds are for agency activities. **Table 28** shows annual payments for FY2005-FY2009 under SRS and for those counties opting for the 25% of receipts.

Table 28. FS Payments to States—25% and Under the SRS Act

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
25% payments	$7.23	$6.66	$6.39	$6.39	$9.66
SRS, Title I & III	$360.84	$371.28	$332.67	$381.13	$466.16
SRS, Title II	$38.34	$33.64	$24.04	$40.22	$51.81
FS Total	**$406.41**	**$411.58**	**$363.09**	**$427.73**	**$527.63**

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Knutson-Vandenberg (K-V) Fund

The K-V Fund was established by the Act of June 6, 1930 (16 U.S.C. § 576). It collects money from timber purchasers. The agency determines the amount collected on each sale, which can be

Appropriations (P.L. 105-277). Road costs are now borne by timber purchasers (and presumably reflected in lower bids for timber), but the estimated costs are still counted as receipts for the 25% payments.

[34] The SRS Act supplanted a special "spotted owl" payment program enacted in §13983 of the 1993 Omnibus Budget Reconciliation Act (P.L. 103-66). This formula superseded the regular 25% payments with 10 years of payments based on historic receipts for the 17 national forests with northern spotted owl habitat. Specifically, payments began in FY1994 at 85% of the FY1986-FY1990 average payments, and declined by 3 percentage points per year to 58% in FY2003. Initially, these payments were made from receipts, but the program was amended in 1994 (P.L. 103-443) to direct the payments from the Treasury. This program was supplanted by the SRS Act in 2001.

[35] For a description of this program, and of issues related to its possible reauthorization, see CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by Ross W. Gorte.

up to 100% of receipts from the sale. The fund was established to reforest timber sale sites and to improve the timber stands. These authorized purposes were expanded in NFMA to allow activities to mitigate and enhance non-timber resource values on sale sites. The FS determines the funding for each authorized activity. The K-V Act was further amended in § 412 of the 2006 Interior appropriations act (P.L. 109-54) to allow the use of K-V funds for "watershed restoration, wildlife habitat improvement, control of insects, diseases, and noxious weeds, community protection activities, and the maintenance of forests roads within the Forest Service region in which the timber sale occurred." Thus, this expanded both the authorized activities and the geographic area for which K-V Funds could be used.

Table 29.K-V Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$228.95	$77.58	$56.76	$66.85	$196.17

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Recreation Enhancement Program

This account is described above, under the National Park Service. It allows the agency to retain recreation fees at selected sites, with 80% or more of the funds generally remaining at those sites and up to 20% available for other FS sites. The money is typically used to maintain, repair, and reconstruct recreation facilities, as well as for a variety of other activities.

Table 30.FS Budget Authority Under FLREA

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$50.63[a]	$53.44	$61.04	$61.62	$66.48

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

a. Includes $0.38 million of funds collected under the previously authorized Recreation Fees Collection Cost Recovery, which allowed the FS (and the other agencies) to retain up to 15% of recreation fees to cover administrative costs of collecting the fees.

Timber Salvage Sales

The Salvage Sale Fund was established in 1976 by § 14(h) of NFMA (16 U.S.C. § 472a(h)). The fund receives timber sale receipts from sales (or portions of sales) designated as salvage by the agency, although the total deposited in the K-V and Salvage Funds cannot exceed 100% of the sale receipts. The Salvage Sale Fund was established with appropriations of $3 million each in FY1977 and FY1979, and was supplemented with appropriations of $37 million in FY1988. The fund was established as a self-sustaining revolving fund to recover the costs to prepare and administer salvage timber sales (including related road costs). The *Forest Service Manual* (§ 2435—Salvage Sales) requires an estimate of the "preparation, administration, support, and indirect general administration costs" for each salvage sale, and permits each national forest to retain 50% more than the estimated salvage sale costs.

Table 31.FS Salvage Sale Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$71.19	$66.93	$50.00	$35.38	$23.87

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Other Cooperative Work

This fund was established pursuant to the Act of June 30, 1914 (16 U.S.C. § 498), and expanded substantially in the National Forest Roads and Trails Act (P.L. 88-657; 16 U.S.C. § 537).[36] This trust fund collects deposits from cooperators for protecting and improving resources, mainly from commercial users (especially timber purchasers) to fund a "commensurate share" of road maintenance costs. (Modest amounts are also collected from cooperators for timber scaling (measurement) services, fire protection, and other purposes.) The amount of deposits are specified in each cooperator agreement (e.g., timber sale contract), and the timing and location of expenditures is at the discretion of the agency.

Table 32.Other Cooperative Work Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$34.31	$42.90	$43.67	$12.03	$22.73

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Restoration of Lands and Improvements

This fund was created in § 7 of the Forest Service Omnibus Act of 1958 (P.L. 85-464; 16 U.S.C. § 579c) to collect recoveries of cash bonds, forfeitures, judgments, settlements, and such, from permittees or timber purchasers who fail to complete required work. The money is to be used to complete the work.

Table 33.FS Restoration of Lands and Improvements Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$7.82	$2.87	$21.29	$76.94	$45.03

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Reforestation Trust Fund

This fund was created in § 303 of the Recreational Boating Safety and Facilities Improvement Act of 1980 (P.L. 96-451; 16 U.S.C. § 1606a). Deposits to this account come from tariffs on imported solid wood products (primarily plywood from Canada), up to $30 million annually. The account was created to eliminate the backlog of reforestation and stand improvement work identified under § 3(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974

[36] This act did *not* create the National Forest Roads and Trails Fund, described below.

(RPA; P.L. 93-378). Funds remaining at the end of FY1984 were to be transferred to the states for reforesting non-federal lands, but the fund's termination and funds transfer to the states were repealed, effectively extending the account indefinitely.[37]

Table 34. Budget Authority for the Reforestation Trust Fund

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$30.00	$30.00	$30.00	$30.00	$30.00

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Federal Land and Facility Enhancement Fund

This program was established as a pilot program in § 329 of the FY2002 Interior appropriations act (P.L. 107-63), extended in subsequent Interior appropriations acts, and then established as a three-year mandatory spending program in Title V of the FY2006 Interior appropriations act (P.L. 109-54), and extended again. The agency is authorized to sell unneeded facilities and administrative sites, and use the funds to assess, restore, and/or replace facilities (buildings and other structures), as appropriate.

Table 35. Land and Facility Enhancement Fund Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$0.21	$39.13	$22.79	$20.50	$8.77

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Payments to Counties, National Grassland Fund

This fund was created in 1937 by the Bankhead-Jones Farm Tenant Act (7 U.S.C. § 1012). The act authorized the acquisition of lands for conservation purposes; these acquisitions are now largely the national grasslands. The payment account is akin to FS 25% receipt-sharing payments, but requires payments of 25% of *net* (rather than gross) receipts directly to the counties (rather than through the states) for roads and schools in the counties where the national grasslands are located. The allocation is based on the national grassland acreage in each county.

Table 36. National Grassland Payments to Counties

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$6.83	$14.09	$12.23	$10.74	$15.72

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

[37] The termination was repealed by §422 of P.L. 97-424, the Surface Transportation Assistance Act of 1982. The fund transfer was repealed by an unnumbered provision under the heading "National Forest System" in the Interior appropriations act in P.L. 99-190, Further Continuing Appropriations, 1985.

Brush Disposal

This account was authorized by the Act of August 11, 1916 (16 U.S.C. § 490). It receives money from timber purchasers; on each timber sale, the FS identifies the required deposits (in addition to payments for the timber). The fund is used on timber sale sites to dispose of tree tops, limbs, and other debris from timber cutting, to reduce fire and insect hazards, assist reforestation, and related activities. Because of the decline in timber sales, the deposits to the fund are much smaller than in the 1980s.

Table 37.FS Brush Disposal Budget Authority

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$12.64	$11.59	$10.51	$8.19	$7.87

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Operation and Maintenance of Quarters

This account is described above, under the National Park Service. It allows the agency to collect rent from employees who use government-owned housing, and to use the funds to maintain and repair the structures.

Table 38.FS Budget Authority for Operation and Maintenance of Quarters

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$7.38	$7.82	$7.75	$4.68	$7.37

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Timber Roads, Purchaser Elect

This account, also called the purchaser election program (PEP), was established in § 14(i) of NFMA (16 U.S.C. § 472a(i)). It collects receipts from timber sales where qualified timber purchasers elect to have the FS build the roads required in the timber sale contract. Two conditions limit this option for a purchaser: (1) the estimated road cost must exceed $50,000; and (2) the purchaser must qualify as a small business operator (have fewer than 500 employees). The FS determines the deposits to the account by estimating the cost to build the required roads.[38]

Table 39.FS Budget Authority for Purchaser Elect Roads

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$6.80	$6.80	$6.80	$4.00	$4.00

[38] Initially, the estimated road construction costs were the "purchaser road credits." The credit program was terminated by §329 of the FY1999 Interior Appropriations Act (part of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999; P.L. 105-277, 112 Stat. 2681), but the purchaser election program was retained in §329(c) and was modified to increase the minimum contract value (from $20,000 to $50,000) and to end the prohibition on its use in Alaska.

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

National Forest Roads and Trails

This account, also called the 10% Fund, was created by the Act of March 4, 1913 (16 U.S.C. § 501). Deposits to the Fund are 10% of the receipts from the national forests (but *not* including deposits to the K-V Fund and the Salvage Sale Fund or the value of purchaser-built roads). The fund was created to supplement annual appropriations for road and trail construction. From FY1982-FY1995, a provision in each annual Interior appropriations act transferred this mandatory spending to the General Treasury, to offset annual appropriations for building roads and trails. That provision was not retained in the Omnibus Consolidated Rescissions and Appropriations Act, 1996 (P.L. 104-134) or thereafter, making the Fund again available to the FS for building roads and trails at its discretion. In § 332 of the FY1999 Interior appropriations act (in P.L. 105-277), the authorized uses of the fund were expanded to also allow the agency "to carry out and administer projects to improve forest health conditions ... [and to] emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity." Since FY2008, funds have again been returned to the General Treasury to offset appropriations for roads and for forest health projects under provisions in the annual Interior appropriations acts.

Table 40. Budget Authority for the FS 10% Roads and Trails Fund

(in millions of dollars)

FY2005	FY2006	FY2007	FY2008	FY2009
$15.71	$15.67	$0.00	$3.25	-$7.55

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Note: Estimated budget authority of $16.44 million for FY2007 was transferred to the General Treasury in an unnumbered provision of Title II of the FY2008 Interior appropriations act, Division F of the FY2008 Consolidated Appropriations Act (P.L. 110-161). Subsequent budget authority (including the negative budget authority for FY2009) reflects adjustments ensuing from this and subsequent provisions.

Other FS Accounts With Mandatory Spending Authority

The FS has 10 other accounts with mandatory spending authority identified in its annual budget request. They are listed in descending order of average FY2005-FY2009 budget authority.

- **Timber Sales Pipeline**. This program is described above, under the BLM. The funds come from certain canceled-but-reinstituted national forest timber sales, with 75% of the money to prepare timber sales and 25% to address the backlog of recreation projects.
- **Land Between the Lakes Management Fund**. The Land Between the Lakes Protection Act of 1998 (16 U.S.C. § 460*lll*-24)[39] authorizes the FS to retain various user and resource fees for management of the new Land Between the Lakes National Recreation Area, transferred from the Tennessee Valley Authority.
- **Stewardship Contracting**. This fund is described above, under the BLM. It authorizes the FS to enter into contracts providing for timber removal and requiring land management services. Timber receipts in excess of the cost of the

[39] Title V of the FY1999 Interior appropriations act, §101(e) of Division A of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations, P.L. 105-277.

required land management services are retained by the FS for additional restoration work.

- **Administration of Rights-of-Way and Other Land Uses**. Numerous authorities authorize the FS to collect fees for rights-of way across the national forests, for commercial filming and photography, for organizational camps, and for many other special uses. The FY2000 Interior appropriations act, as amended,[40] has provided mandatory spending through FY2012 of the receipts to administer and monitor the permits and to improve customer service.
- **Payments to Minnesota**. Enacted in 1948, this program pays three northern Minnesota counties 0.75% of the appraised value of the land, without restrictions on using the funds.
- **Forest Botanical Products**. The FY2000 Interior appropriations act (16 U.S.C. § 528 note)[41] authorized the FS to retain the fees charged to persons who harvest forest botanical products (e.g., ginseng, wild mushrooms, and medicinal plants) through FY2014 to administer the harvesting.
- **Valles Caldera Fund**. The Valles Caldera Preservation Act (P.L. 106-248; 16 U.S.C. § 698v-4) authorized the FS to retain fee receipts and donations "for the administration, preservation, restoration, operation, maintenance, and improvement of the Preserve and its properties."
- **Midewin National Tallgrass Prairie, Rental Fee**. This account was established in § 2915 of the National Defense Authorization Act of 1996 (P.L. 104-106) to replace existing DOD agricultural leases with USDA special use authorizations and to enact new authorizations for agricultural purposes. Seventy-five percent of the resulting rental fees are available for prairie improvement work on the Midewin National Tallgrass Prairie (in Illinois) established in § 2914 of the act. (The other 25% is to be distributed under the FS Payments to States program described above.)
- **Land Between the Lakes Trust Fund**. The Land Between the Lakes Protection Act of 1998 (16 U.S.C. § 460*lll*-32)[42] directed the Tennessee Valley Authority to deposit $1 million annually for five years into this trust fund. The FS is authorized to use the interest earned for local school grants for environmental education.
- **Licensee Programs, Smokey Bear and Woodsy Owl**. This fund was created in 1952 (16 U.S.C. § 580p-2) and amended in 1974 (P.L. 93-318) to collect fees for the use of Smokey Bear and Woodsy Owl by private enterprises, to be used for forest fire prevention and for promoting wise environmental use, maintenance, and improvement.

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[40] §331 of Appendix C—H.R. 3423, enacted in §1000(a)(3) of Division B of the FY2000 Consolidated Appropriations Act, P.L. 106-113.

[41] §339 of Appendix C—H.R. 3423, enacted in §1000(a)(3) of Division B of the FY2000 Consolidated Appropriations Act, P.L. 106-113.

[42] Title V of the FY1999 Interior appropriations act, §101(e) of Division A of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations, P.L. 105-277.

Table 41. Budget Authority for Other FS Accounts With Mandatory Spending Authority

(in millions of dollars)

	FY2005	FY2006	FY2007	FY2008	FY2009
Timber sale pipeline restoration	$4.91	$3.32	$4.19	$4.57	$7.74
Land Btw. Lakes—Management	$3.57	$3.55	$3.84	$3.76	$3.73
Stewardship contracting	$2.04	$3.63	$1.26	$3.07	$5.72
Admin. Rights-of-Way & Land Uses	$0.50	$0.88	$2.22	2.36	$3.37
Payments to Minnesota	$2.10	$2.10	$2.10	$2.10	$2.10
Forest Botanicals	$1.40	$0.87	$1.65	$1.19	$1.39
Valles Caldera National Preserve	$0.11	$0.00	$2.49	$1.29	$0.59
Midewin Tallgrass Prairie, Rentals	$0.29	$0.36	$0.79	$0.50	$0.57
Land Between the Lakes Trust	$0.17	$0.26	$0.08	$0.01	$0.02
Licensee Programs	$0.10	$0.08	$0.07	$0.01	$0.01

Source: USDA, FS, *Budget Justifications*, annual series, http://www.fs.fed.us/aboutus/budget/.

Comparison

Each of the four major federal land management agencies has numerous special funds and trust funds with mandatory spending authority—money available to be spent without further action by Congress. Most of these accounts are funded by receipts from the sale, lease, or use of federal lands and resources. Other funding sources include excise taxes, license fees, import duties, donations, and the U.S. Treasury. For many accounts, the amount deposited is dictated by the authorizing legislation; the excise tax rates for the Pittman-Robertson Fund, for example, are specified in law, while deposits of import duties for the Reforestation Trust Fund are limited to $30 million annually. For other accounts, the agency has some discretion in determining the deposits; for example, the FS and BLM determine whether a timber sale is salvage, with the receipts deposited in specific accounts.

The mandatory spending authorities for these four agencies generally are used for one of three purposes: to fund agency activities; to compensate state and local governments for the tax-exempt status of federal lands; or to fund grants, with a formula allocation or through competition. Mandatory spending for agency activities can be contentious, especially if the fund can be used for several, possibly competing purposes and the agency has the discretion to allocate the funds among those purposes. In contrast, the grant programs typically have not been controversial, and are likely to remain uncontroversial as long as the payers and the beneficiaries are nearly identical.

The compensation programs have generally not been controversial, largely because the compensation level has been established in law. The FS 25% payments and the BLM O&C payments have generated congressional interest in recent years, because declining federal timber sales have substantially reduced their compensation payments. Congress has enacted a temporary substitute in the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-

393), as amended.[43] Congress is likely to renew the debate over the mandatory spending for these programs before the current temporary provisions expire at the end of FY2011.

Bureau of Land Management

The BLM has 31 trust funds or special funds with mandatory spending authority. Of these, 12 had average annual budget authority exceeding $5 million for FY2005-FY2009. All but one are funded from agency receipts for the sale or use of lands and resources; the exception is one of the largest—the O&C county payments, which is currently (and temporarily) funded in large part from the General Treasury. Average annual budget authority for the 28 accounts for FY2005-FY2009 totaled $824 million, accounting for 44% of BLM funding. Nine of the accounts ($198 million) are compensation programs and the other 22 ($626 million) fund BLM activities.

National Park Service

The NPS has 17 trust funds or special funds with mandatory spending authority. Of these, 7 had average annual budget authority exceeding $5 million for FY2005-FY2009. All the accounts are funded from agency receipts. Average annual budget authority for the 17 accounts for FY2005-FY2009 totaled $335 million, accounting for 12% of NPS funding. Only two of the accounts (both less than $0.5 million) are compensation programs; the other 15 fund NPS activities.

Fish and Wildlife Service

The FWS has the fewest trust funds or special funds with mandatory spending authority, with 10. Of these, half had average annual budget authority exceeding $5 million for FY2005-FY2009. Average annual budget authority for the 10 accounts for FY2005-FY2009 totaled $798 million, 36% of total FWS funding. Many are funded from agency receipts, but the two largest accounts (together $729 million) are funded largely from excise taxes and import duties, and the majority of the spending grants funds to the states under fixed formulas. One account, which uses receipts supplemented with annual appropriations, is a compensation account. Another is used exclusively for land acquisition. The other six accounts fund agency activities.

Forest Service

The FS has 23 trust funds or special funds with mandatory spending authority. Of these, 13 had average annual budget authority exceeding $5 million for FY2005-FY2009. Most are funded from agency receipts for the sale or use of lands and resources. One exception is the largest account—the 25% payments to states, which is currently (and temporarily) funded in large part from the General Treasury. Another is the Reforestation Trust Fund, which is funded from tariffs on imported wood products. The third exception is licensee fees for the use of Smokey Bear and Woodsy Owl. Average annual budget authority for the 23 accounts for FY2005-FY2009 totaled $764 million, accounting for 22% of non-fire FS funding. Three of the accounts ($375 million) are compensation programs; the other 20 ($390 million, plus a portion of the largest compensation account) fund FS activities. Several of the FS accounts have existed for many years, with five predating World War II; the earliest was created in 1908.

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[43] See CRS Report R41303, *Reauthorizing the Secure Rural Schools and Community Self-Determination Act of 2000*, by Ross W. Gorte. The 2007 amendment also included mandatory spending for the Payments In Lieu of Taxes (PILT) program; see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

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